



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/099/048 06/17/98 NACAMULLI

RM39091

0232/0729

BARRY EVANS  
WHITMAN BREED ABBOTT & MORGAN  
200 PARK AVE  
NEW YORK NY 10166

NOT ASSIGNED

1641

DATE MAILED:

07/29/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

- An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of Items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☒ non-small entity is \$ 130

- ☐ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. The oath or declaration:

- ☐ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

L. NACAMULLI

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 7. Your filing receipt was mailed in error because your check was returned without payment.  
☐ 8. The application does not comply with the Sequence Rules.

11/04/1998 See attached Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

01:FC:209 OTHER: 65.00:QP

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

BEST AVAILABLE COPY



PATENT  
KM39091-70

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Nacamulli et al.  
Serial No. : 09/099,048  
Reissue of : U.S. Patent No. 5,527,710  
Filed : June 17, 1998  
For : RATE MEASUREMENTS OF BIOMOLECULAR  
REACTANTS USING ELECTROCHEMILUMINESCENCE  
Group Art Unit : 1641  
Examiner : Not Yet Assigned

200 Park Avenue  
New York, New York 10166

I hereby certify that his correspondence  
is being deposited with the United States  
Postal Service as first class mail in an  
envelope addressed to:  
Assistant Commissioner for Patents,  
Washington, D.C. 20231, on October 29, 1998

Pamela C. Ancona, Reg. No. 41,494  
Name of Applicant, Assignee or Registered  
Representative

Pamela C. Ancona  
Signature

October 29, 1998  
Date of Signature

**COMMUNICATION IN RESPONSE TO  
NOTICE TO FILE MISSING PARTS OF APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of  
Application dated July 29, 1998, with the term for reply extended

one (1) month by the accompanying Petition for Extension of Time, enclosed please find the following:

(a) The surcharge fee of \$65.00 for a non-small entity as set forth in 37 C.F.R. § 1.16(e); and

(b) A copy of the concurrently filed Petition to Suspend the Rules requiring the signature of all joint inventors on a Declaration and Power of Attorney, and copies of the supporting materials for the Petition to Suspend the Rules, including materials documenting the undersigned's unsuccessful attempts to contact Laurette Nacamulli, a joint inventor of the above-identified reissue application, in order to obtain her signature on the Declaration and Power of Attorney.

The Examiner has indicated that the surcharge for a non-small entity is required. However, the present application is assigned to a small entity, as evidenced by the Verified Statement Claiming Small Entity Status filed in the parent application Serial No. 08/347,984, now U.S. Patent No. 5,527,710. Thus, Applicants have submitted the surcharge fee for a small entity.

PATENT  
KM39091-70

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in connection with this Communication to Deposit Account No. 50-0297.

Respectfully submitted,

WHITMAN BREED ABBOTT & MORGAN, LLP  
Attorneys for Applicants

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